

## **REMARKS**

The Office Action dated July 22, 2005, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto. Claims 1, 3, 5, 7-9, 11 and 13 are pending in the subject application. Claims 3, 7-9 and 13 are allowed. Claims 1, 5, and 11 are rejected.

### **Allowable Subject Matter**

The Applicants wish to thank the Examiner for allowing claims 3, 7-9 and 13.

### **New Matter Objection and Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 1, 5, and 11 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to those of ordinary skill in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Office Action asserted that the phrase: "wherein a first of the plurality of time periods begins immediately after a second of the plurality of time periods ends," is not supported by the specification or drawings. See, e.g., Office Action, page 4, lines 14-16. The Applicants respectfully traverse the rejection and respectfully submit that claims 1, 5, and 11 are supported by the specification and drawings as originally filed.

Specifically, Figure 5 of the present application clearly depicts the limitation of "wherein a first of the plurality of time periods begins immediately after a second of the plurality of time periods ends." For example, with respect to channel 6, Figure 5 clearly depicts that a first time period (10:00-11:00) may begin immediately after a second time period (9:00-10:00) ends. Similarly, with respect to channel 10, Figure 5 clearly depicts that a first time period (10:00-10:30) may begin immediately after a second time period

(9:00-10:00) ends. Therefore, the Applicants respectfully submit that the application, as originally filed, clearly describes the limitation of “wherein a first of the plurality of time periods begins immediately after a second of the plurality of time periods ends.” Accordingly, the Applicants respectfully request withdrawal of the new matter objection and rejection under 35 U.S.C. § 112, first paragraph.

### **Rejections Under 35 U.S.C. § 102 and 103**

Claims 1, 5, and 11 were rejected under 35 U.S.C. 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Knowles et al. (U.S. Patent Publication No. US 2003/0079227 A1).

The Applicants submit that Knowles is not a proper reference under any section of 35 U.S.C. § 102, and therefore is not a proper reference under 35 U.S.C. § 103. The present application was filed in the U.S. Patent and Trademark Office on October 27, 1998. However, the Applicants claimed priority to PCT application, PCT/JP97/01483, filed April 25, 1997. The PCT application claims priority to Japanese patent applications Nos. HEI-8-109017 filed April 30, 1996, HEI-8-147034 filed June 10, 1996, and HEI-8-152228 filed June 13, 1996. Therefore, the present application has an effective filing date of April 30, 1996. The Office Action of March 30, 2000 acknowledged the priority of the present application to the Japanese patent applications. Verified translations of the priority documents were filed in this application with the Response filed on July 28, 2005. Knowles was filed in the U.S. Patent and Trademark Office on November 25, 2002, and was published on April 24, 2003 as Publication No US 2003/0079227 A1. Knowles claim priority to a provisional application No. 60/094,564 filed July 20, 1998. As the effective date of Knowles is after the effective filing date of the present

application, Knowles is an improper reference to cite against the present invention. Thus, the Applicants respectfully request withdrawal of the rejection of claims 1, 5, and 11.

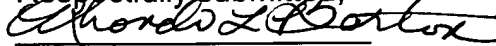
### **Conclusion**

As noted above, claims 3, 7-9, 11 and 13 have been allowed. In view of the arguments above with respect to claims 1 5, and 11, the Applicants respectfully request withdrawal of the objections and rejections, allowance of claims 1, 5, and 11, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107355-08002.**

Respectfully submitted,



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Enclosure: Petition for Extension of Time (two-months)